

MONTANA LEGISLATIVE HISTORY

Chapter 30 1997

Bill H 24 S _____

Original bill & history ✓c

H. Committee on Judiciary

Hearing Date(s) 1-15 ✓c

1-17 ✓c

_____ c

_____ c

Date Out _____ c

S. Committee on Taxation

Hearing Date(s) 2-4 ✓c

2-6 ✓c

_____ c

_____ c

Did this bill originate in an interim committee? ____ Yes ____ No

Committee _____

Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendant information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

3/09 RETURNED TO HOUSE
 3/10 SIGNED BY SPEAKER
 3/11 SIGNED BY PRESIDENT
 3/11 TRANSMITTED TO GOVERNOR
 3/13 SIGNED BY GOVERNOR
 CHAPTER NUMBER 48
 EFFECTIVE DATE: 07/01/97

HB 24 INTRODUCED BY HAGENER *LC0116 DRAFTER: NISS*

INCREASE THE HOMESTEAD EXEMPTION FROM \$40,000 TO \$60,000

12/16	INTRODUCED		
12/20	FISCAL NOTE REQUESTED		
1/06	FIRST READING		
1/06	REFERRED TO JUDICIARY		
1/07	FISCAL NOTE RECEIVED		
1/08	FISCAL NOTE PRINTED		
1/15	HEARING		
1/20	COMMITTEE REPORT—BILL PASSED		
1/21	2ND READING PASSED	88	8
1/22	3RD READING PASSED	92	7
	TRANSMITTED TO SENATE		
1/23	FIRST READING		
1/23	REFERRED TO TAXATION		
2/04	HEARING		
2/06	COMMITTEE REPORT—BILL CONCURRED		
2/15	2ND READING CONCURRED	50	0
2/17	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
2/19	SIGNED BY SPEAKER		
2/20	SIGNED BY PRESIDENT		
2/21	TRANSMITTED TO GOVERNOR		
2/24	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 30		
	EFFECTIVE DATE: 10/01/97		

HB 25 INTRODUCED BY EWER, ET AL. *LC0117 DRAFTER: MCCLURE*

AUTHORIZE SCHOOL DISTRICT TRUSTEES TO CAPITALIZE THE SCHOOL BUILDING RESERVE FUND IN AN AMOUNT EQUAL TO 5 YEARS OF LEVY REVENUE

12/16	INTRODUCED		
1/06	FIRST READING		
1/06	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/13	HEARING		
1/16	COMMITTEE REPORT—BILL PASSED		
1/17	2ND READING PASSED	98	2
1/18	3RD READING PASSED	94	3
	TRANSMITTED TO SENATE		
1/20	FIRST READING		
1/20	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/27	HEARING		
1/30	COMMITTEE REPORT—BILL CONCURRED		
2/11	2ND READING CONCURRED	50	0
2/12	3RD READING CONCURRED	50	0
	RETURNED TO HOUSE		
2/14	SIGNED BY SPEAKER		
2/15	SIGNED BY PRESIDENT		
2/18	TRANSMITTED TO GOVERNOR		

HOUSE BILL NO. 24
INTRODUCED BY HAGENER

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING THE HOMESTEAD EXEMPTION FROM \$40,000 TO \$60,000; AMENDING SECTION 70-32-104, MCA; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 70-32-104, MCA, is amended to read:

"70-32-104. Limitation on value. (1) A homestead may not exceed in value ~~\$40,000~~ \$60,000.

In ~~any proceedings~~ a proceeding instituted to determine the value of ~~such~~ the homestead, the assessed value of the land with included appurtenances, if any, and of the dwelling house as appears on the ~~last completed~~ last-completed assessment roll preceding the institution of ~~such proceedings shall be the~~ proceeding is prima facie evidence of the value of the property claimed as a homestead.

(2) If a claimant who is an owner of an undivided interest in real property claims a homestead exemption, ~~he~~ the claimant is limited to an exemption amount proportional to ~~his~~ the claimant's undivided interest."

NEW SECTION. Section 2. Applicability. [Section 1] applies to judgments obtained and bankruptcy proceedings begun after October 1, 1997.

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0024, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

act increasing the homestead exemption from \$40,000 to \$60,000.

FISCAL IMPACT:

The primary purpose of the homestead exemption deals with bankruptcy law, and accordingly the passage of HB0024 would have no significant fiscal impact on state or local government revenues.

Dave Lewis 1-6-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

D.R. Hagener
TONI HAGENER, PRIMARY SPONSOR DATE
Fiscal Note for HB0024, as introduced

HB 24

COMMITTEE-HOUSE JUDICIARY

CHAIRMAN--BOB CLARK

SECRETARY-JOANNE GUNDERSON/312-1A

NORMAL SCHEDULE => SITE: ROOM 312-1

DAYS: M,T,W,T,F

TIME: 8:00 A.M.

- BILL NO-- REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ---- DATE READ

HB0015	KITZENBERG, SAM	MANDATORY DRUG TEST FOR CORRECTIONAL FACILITY EMPLOYEES	1/06	1/07	TABLED ON 01/14	VOTE: 10-9	
HB0024	HAGENER, TONI	INCREASE HOMESTEAD EXEMPTION	1/06	1/15	DO PASS	01/17 VOTE: 19-1	1/20
HB0029	BOHLINGER, JOHN	PROHIBIT POSSESSION, CARRIAGE & STORAGE OF WEAPON IN A SCHOOL BUILDING	1/06	1/10	PASS AS AMENDED	01/14 VOTE: 19-1	1/15
HB0038	ROSE, JOHN	PROVIDE CRIMINAL PENALTY FOR SALE OR DISTRIBUTION OF TOBACCO TO MINOR	1/06	1/08	PASS AS AMENDED	01/16 VOTE: 13-6	1/17
HB0040	COBB, JOHN	EXTEND FOR 2 YRS ATTORNEY GENERAL'S DUTY TO REPRESENT STATE IN BANKRUPTCIES	1/06	1/16	PASS AS AMENDED	01/17 VOTE: 20-01	1/20
HB0041	COBB, JOHN	INCREASE AWARENESS OF PROPOSED ADMINISTRATIVE RULES CONTENTS, COSTS, ETC.	1/06	1/16	DO PASS	01/20 VOTE: 18-0	1/20
HB0042	COBB, JOHN	ESTABLISH REQUIREMENTS FOR AGENCY PRESENTED WITH A PETITION FOR RULEMAKING	1/06	1/16	PASS AS AMENDED	01/22 VOTE: 18-1	1/23
HB0043	BANKHEAD, PAUL	REDEFINE ESCAPE AND ALLOW GOVERNMENT TO RECOUP COSTS FROM ESCAPEE	1/06	1/10	DO PASS	01/20 VOTE: 18-0	1/20
HB0044	DEVANEY, CHARLES	LIMIT AND MONITOR INMATE FINANCIAL TRANSACTIONS; FINANCIAL ACCT DISCLOSURE 1/16/97 Tabled 17-1	1/06	1/10	PASS AS AMENDED	02/04 VOTE: 16-0	2/05
HB0065	MENAHAN, RED	INCREASE NEGLIGENT VEHICULAR ASSAULT PENALTY WHEN BODILY INJURY IS SERIOUS	1/06	1/10	PASS AS AMENDED	01/17 VOTE: 20-0	1/20
HB0068	MCGEE, DANIEL	ABOLISH GOV'T. LIABILITY FOR NEGLIGENT TORTS TO INCARCERATED CRIMINALS	1/06	1/15	1/28/97 Tabled 12-8	PASS AS AMENDED 02/04 VOTE: 12-7	2/05

MINUTES

**MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on January 15, 1997, at 8:00 AM, in Room 312-1.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Daniel W. McGee, Vice Chairman (Majority) (R)
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Shiell W. Anderson (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. Aubyn A. Curtiss (R)
Rep. Jon Ellingson (D)
Rep. Duane Grimes (R)
Rep. H.S. "Sonny" Hanson (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Linda McCulloch (D)
Rep. Brad Molnar (R)
Rep. Gerald Pease (D)
Rep. Diane Sands (D)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)
Rep. Bill Tash (R)

Staff Present: John MacMaster, Legislative Services Division
Joanne Gunderson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 24, HB 68, HB 122; POSTED
1/8/97

Executive Action: HB 141, DO PASS

HEARING ON HB 68

Sponsor: REP. DANIEL MC GEE

Opening Statement by Sponsor:

{Tape: 1; Side: A; Approx. Time Count: 3.0 - 6.4; Comments: This is a 60-minute tape.}

Opponents:

SCOTT CRICHTON, ACLU - EXHIBIT 8

{Tape: 2; Side: B; Approx. Time Count: 28.0 - 32.8}

SCOTT WOOSTER, ACLU

{Tape: 2; Side: B; Approx. Time Count: 32.9 - Tape 3; Side A; 9.0}

Questions From Committee Members and Responses:

{Tape: 3; Side: A; Approx. Time Count: 10.0 - 20.2}

Closing by Sponsor: REPRESENTATIVE MC GEE

{Tape: 3; Side: A; Approx. Time Count: 20.3 - 24.3}

HEARING ON HB 24

Sponsor: REP. ANTOINETTE HAGENER

Opening Statement by Sponsor:

{Tape: 3; Side: A; Approx. Time Count: 24.8 - 28.1}

Proponents:

ALVE THOMAS, AARP

{Tape: 3; Side: A; Approx. Time Count: 28.4 - 29.1}

EVELYN HASKJOLD, HILL COUNTY AGING SERVICES DIRECTOR

{Tape: 3; Side: A; Approx. Time Count: 29.2 - Tape 3; Side B; 0.6}

JOHN SHONTZ, MONTANA ASSOCIATION OF REALTORS - EXHIBIT 9

{Tape: 3; Side: B; Approx. Time Count: 0.7 - 2.6}

Questions From Committee Members and Responses:

{Tape: 3; Side: B; Approx. Time Count: 2.8 - 11.7}

Closing by Sponsor: REPRESENTATIVE HAGENER

{Tape: 3; Side: B; Approx. Time Count: 11.9 - 12.2}

EXECUTIVE ACTION ON HB 141

Motion/Vote: REPRESENTATIVE MC GEE moved HB 141 DO PASS. Motion carried by unanimous vote.

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By CHAIRMAN BOB CLARK, on January 17, 1997, at 8:00 AM, in Room 312-1.

ROLL CALL

Members Present:

Rep. Robert C. Clark, Chairman (R)
Rep. Daniel W. McGee, Vice Chairman (Majority) (R)
Rep. Diana E. Wyatt, Vice Chairman (Minority) (D)
Rep. Chris Ahner (R)
Rep. Shiell W. Anderson (R)
Rep. Ellen Bergman (R)
Rep. William E. Boharski (R)
Rep. Aubyn A. Curtiss (R)
Rep. Jon Ellingson (D)
Rep. Duane Grimes (R)
Rep. H.S. "Sonny" Hanson (R)
Rep. Joan Hurdle (D)
Rep. Deb Kottel (D)
Rep. Linda McCulloch (D)
Rep. Brad Molnar (R)
Rep. Gerald Pease (D)
Rep. Liz Smith (R)
Rep. Loren L. Soft (R)
Rep. Bill Tash (R)

Members Absent: Rep. Diane Sands

Staff Present: John MacMaster, Legislative Services Division
Joanne Gunderson, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted:	HB 98, HB 159, POSTED 1/8/97
Executive Action:	HB 24, DO PASS
	HB 40, DO PASS AS AMENDED
	HB 65, DO PASS AS AMENDED
	HB 122, DO PASS AS AMENDED

Motion: REP. BOHARSKI moved HB 65 DO PASS AS AMENDED.

{Tape: 3; Side: A; Approx. Time Count: 26.1 - 26.4}

Discussion:

{Tape: 3; Side: A; Approx. Time Count: 26.5 - 27.5}

Vote: The motion carried by unanimous vote.

{Tape: 3; Side: A; Approx. Time Count: 28.0 - 28.4}

EXECUTIVE ACTION ON HB 24

Motion: REP. ANDERSON MOVED HB 24 DO PASS.

{Tape: 3; Side: B; Approx. Time Count: 0.1 - 0.8}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 0.9 - 1.7}

Vote: The motion carried, 19 - 1, REP. BOHARSKI voted no.

EXECUTIVE ACTION ON HB 122

Motion: REP. DAN MC GEE moved HB 122 DO PASS.

{Tape: 3; Side: B; Approx. Time Count: 2.5 - 2.9}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 3.0 - 12.2}

Motion/Vote: REP. MC GEE moved to amend HB 122. The motion carried 17 - 1, REP. WYATT voted no.

{Tape: 3; Side: B; Approx. Time Count: 13.3; Comments: One representative had left the room and did not vote.}

Motion: REP. MC GEE moved HB 122 DO PASS AS AMENDED.

Motion: REP. KOTTEL moved to amend HB 122 by striking section 1.

{Tape: 3; Side: B; Approx. Time Count: 13.9 - 17.2; Comments: This amendment was later withdrawn as indicated below.}

{Tape: 3; Side: B; Approx. Time Count: 17.3 - 20.9; Comments: Rep. Anderson proposed a substitute amendment and Rep. Kottel withdrew her amendment.}

Motion: REP. MC GEE moved a substitute amendment.

{Tape: 3; Side: B; Approx. Time Count: 21.0}

Discussion:

{Tape: 3; Side: B; Approx. Time Count: 21.4 - 23.6}

Vote: The motion on the substitute amendment carried 17 - 1.

Motion: REP. BOHARSKI moved HB 122 DO PASS AS AMENDED.

{Tape: 3; Side: B; Approx. Time Count: 24.3}

Discussion:

COMMITTEE--SENATE TAXATION

CHAIRMAN--GERRY DEVLIN
SECRETARY--RENEE PODELL/303

NORMAL SCHEDULE => SITE: ROOM 413/415

DAYS: M,T,W,T,F

TIME: 8:00 A.M.

- BILL NO-- REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ----- REREFERRED ---- DATE READ

HB0024	HAGENER, TONI	INCREASE HOMESTEAD EXEMPTION			
	1/23	2/04	CONCUR	VOTE: 9-0	2/06
HB0063	HARRINGTON, DAN	REALLOCATE \$1 OF NEW MOTOR VEHICLES SALES TAX FOR WARRANTY ADMINISTRATION			
	3/12	3/20	CONCUR	VOTE: 8-0	3/20
HB0070	HIBBARD, CHASE	EXEMPTING RECREATIONAL LEASES FROM BENEFICIAL USE PROPERTY TAX			
	1/25	2/06	CONCUR	VOTE: 9-0	2/07
HB0082	HIBBARD, CHASE	REVISE CORPORATE TAX LAWS			
	1/28	2/06	CONCUR	VOTE: 9-0	2/07
HB0086	HIBBARD, CHASE	GENERALLY REVISE GASOLINE AND SPECIAL FUEL TAX LAWS			
	1/23	2/04	CONCUR	VOTE: TAXATION	2/07
HB0086	HIBBARD, CHASE	GENERALLY REVISE GASOLINE AND SPECIAL FUEL TAX LAWS			
	2/24			VOTE: 9-0	
HB0087	HANSON, MARIAN	REVISE ASSESSMENT NOTICE			
	1/28	2/06	CONCUR	VOTE: 8-1	2/06
HB0088	HANSON, MARIAN	REVISE TAX APPEAL DEADLINES			
	1/17	2/04	CONCUR	VOTE: 9-0	2/04
HB0148	HARRINGTON, DAN	REVISE INHERITANCE TAX REPORTS			
	1/20	2/07	CONCUR	VOTE: 9-0	2/07
HB0171	RANEY, BOB	ALLEVIATE ENVIRONMENTAL GRANT CASH FLOW PROBLEMS			
	1/29	2/07	CONCUR AS AMENDED	VOTE: 9-0	FINANCE & CLAIMS 2/07
HB0210	HAYNE, HARRIET	REVISING 911: SERVICE; "BASIC/ENHANCED"; REQTS.; FEES; ACCT.; FINANCE; ETC.			
	2/14	3/10	CONCUR AS AMENDED	VOTE: 7-2	4/12

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By CHAIRMAN GERRY DEVLIN, on February 4, 1997, at
8:00 a.m., in Room 415.

ROLL CALL

Members Present:

Sen. Gerry Devlin, Chairman (R)
Sen. Mike Foster, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Wm. E. "Bill" Glaser (R)
Sen. Mike Sprague (R)
Sen. Barry "Spook" Stang (D)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: None

Staff Present: Jeff Martin, Legislative Services Division
Renée Podell, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 24, 1/23/97; HB 86,
1/23/97; HB 88, 1/23/97

Executive Action: HB 88, BCC

HEARING ON HB 88

Sponsor: REP. MARIAN HANSON, HD 1, ASHLAND

Proponents: Randy Wilke, Department of Revenue

Opponents: None

Opening Statement by Sponsor:

REP. MARIAN HANSON, HD 1, ASHLAND explains that HB 88 corrects
MCA Sections 15-1-303 & 15-8-601. SB 57 was passed last session
to establish 30 days for tax appeal and the change was not made
in these sections of the code.

audit process to be done by them? Mr. Turner says when people file their income tax return the net of all the schedules are picked up. The gross income information has to be looked at manually explaining desk auditing is better done up front. He asserts that field auditing is a different situation, field auditors actually go out and inspect the records of the taxpayers claims and the refunds.

SEN. SPRAGUE explains that discussion was held on the 30% that did not qualify and how it can be done more efficiently. Mr. Turner notes this is exactly what the bill does explaining the taxpayer will supply the information in the income tax return and review will take place before the refund is issued because the DOR will have all the information in one spot.

{Tape: 1; Side: A; Approx. Time Count: 8:38; Comments: None.}

Closing by Sponsor:

REP. HIBBARD says this is a good government bill for all of those involved. It streamlines government by using the existing income tax form and puts compliance in a place where it is much easier to check. Desk top audits will be done at the DOR. This bill streamlines the process for the applicant by including information on their income tax form and eliminating the need to send in receipts. REP. HIBBARD explains it also eliminates an unnecessary business license and has the possibility of producing significant revenue. There has been a lot of misconception on this bill explaining people think we are changing the law regarding who qualifies. We are not changing that at all, the law stays the same. REP. HIBBARD asks SEN. COLE to carry this bill if it passes out of committee.

{Tape: 1; Side: A; Approx. Time Count: 8:40; Comments: None.}

HEARING ON HB 24

Sponsor: REP. TONI HAGENER, HD 90, HAVRE

Proponents: John Shontz, Montana Realtors Association

Opponents: None

Opening Statement by Sponsor:

REP. TONI HAGENER, HD 90, HAVRE reports HB 24 makes some language changes and changes the exemption amount from \$40,000 to \$60,000. This bill is a result of increased property value assessment over the past few years and was requested by a group of senior citizens on fixed incomes who fear impending bankruptcy. He requests committee concurrence on this bill.

{Tape: 1; Side: A; Approx. Time Count: 8:45; Comments: None.}

Proponents' Testimony:

John Shontz, Montana Realtors Association says the association strongly supports this legislation. He explains that the homestead exemption in Montana is not automatic and doesn't cover the full value of a home. In the event of bankruptcy it gives people a few dollars in equity that they can use to replace their housing. Mr. Shontz announces the \$40,000 figure has not been adjusted in many years. He strongly encourages passage of this bill.

Opponents' Testimony: NoneQuestions From Committee Members and Responses:

SEN. SPRAGUE asks why a request for only \$60,000. REP. HAGENER comments this subject has been brought up several times explaining that in the 1991 Session the suggestion came up to raise it to \$80,000, however, because property values weren't as high as they are now that was defeated. Banks and other groups were opposed. He remarks that it will be fine with him if the committee decides to raise this amount.

SEN. SPRAGUE asks if an \$80,000 figure will upset the banking industry. REP. HAGENER comments he isn't sure since he didn't ask them.

SEN. GLASER says the constitution was quoted on the liberal interpretation and questions where that language is found. REP. HAGENER affirms it is found in Article 13, Section 5.

SEN. ECK relates that comments she has received on this issue come primarily from people who are facing bankruptcy because of medical costs. She asks if any data on these types of bankruptcies can be produced. SEN. HAGENER says he doesn't have copies of that information. He says this was a concern and that there are those facing bankruptcy who felt this was a necessary thing, however, this doesn't only apply to senior citizens, some were families with young children.

{Tape: 1; Side: B; Approx. Time Count: 8:52; Comments: None.}

Closing by Sponsor:

REP. HAGENER proclaims if we truly want people to stay in their homes we need to give them this small increase. He asks SEN. ECK to carry this bill.

EXECUTIVE ACTION ON HB 88

MOTION/VOTE: SEN. FRED VAN VALKENBURG MOVES HB 88 BE CONCURRED IN. THE MOTION CARRIED UNANIMOUSLY. SEN. DE PRATU will carry this bill.

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TAXATION

Call to Order: By CHAIRMAN GERRY DEVLIN, on February 6, 1997, at
8:00 a.m., in Room 413.

ROLL CALL

Members Present:

Sen. Gerry Devlin, Chairman (R)
Sen. Mike Foster, Vice Chairman (R)
Sen. Mack Cole (R)
Sen. Bob DePratu (R)
Sen. Dorothy Eck (D)
Sen. Wm. E. "Bill" Glaser (R)
Sen. Mike Sprague (R)
Sen. Barry "Spook" Stang (D)
Sen. Fred R. Van Valkenburg (D)

Members Excused: None

Members Absent: None

Staff Present: Jeff Martin, Legislative Services Division
Renée Podell, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: HB 70; HB 82; HB 87
Executive Action: HB 24 (BCI);
SB 177 (DP);
HB 87 (BCI)

HEARING ON HB 87

{Tape: 1; Side: A; Approx. Time Count: .5; Comments: None.}

Sponsor: REP. MARIAN HANSON, HD 1, ASHLAND

Proponents:

Mary Whittinghill, Department of Revenue

Opponents: None

DISCUSSION:

SEN. MIKE FOSTER: This bill expands the \$800 exclusion to include dividend income for the Elderly Homeowners Tax Credit. Options were explored but the bill as presented is his preference.

SEN. FRED VAN VALKENBURG: Why is the change from \$800 to \$675 too complicated? SEN. FOSTER explains we will have losers by doing that.

SEN. DOROTHY ECK: Whose program is going to be cut \$600,000?
SEN. FOSTER responds the cause is a just one.

SEN. BOB DEPRATU: He understands the loss of revenue but believes this affects a lot of people in the 65 and older group; he would like to see it stay at \$800.

VOTE: MOTION CARRIED 5-4 with CHAIRMAN DEVLIN, SEN. ECK, SEN. STANG and SEN. VAN VALKENBURG voting no.

EXECUTIVE ACTION ON HB 24

{Tape: 1; Side: A; Approx. Time Count: 27.1; Comments: None.}

MOTION: SEN. DOROTHY ECK MOVED HB 24 BE CONCURRED IN.

MOTION: SEN. MIKE SPRAGUE MOVED AMENDMENTS 2401.ajm

DISCUSSION:

SEN. MIKE SPRAGUE: AMENDMENTS 2401.ajm EXHIBIT 2
Amendments 2401.ajm raises the homestead exemption from \$60,000 to \$80,000.

SEN. WILLIAM GLASER: Prefers to stay at \$60,000.

SEN. MACK COLE: Agrees with \$60,000.

SEN. MIKE SPRAGUE: Explains this has not been adjusted for approximately 20 years. This is the "last asset." Now banks have made it so you have to negotiate for the exemption.

SEN. BOB DEPRATU: This will help the elderly facing bankruptcy due to medical bills and so forth.

SEN. FRED VAN VALKENBURG: Someone always pays when others aren't paying what has been legitimately incurred as a debt. It affects young people who haven't gone bankrupt.

SEN. DOROTHY ECK: The impact is on older people.

VOTE: MOTION TO ADOPT AMENDMENTS 2401.ajm FAILED 4-6 with
SEN. DEPRATU, SEN. ECK, SEN. SPRAGUE and SEN. STANG
voting yes.

VOTE: MOTION THAT HB 24 BE CONCURRED IN CARRIED UNANIMOUSLY.

HEARING ON HB 70

{Tape: 1; Side: A; Approx. Time Count: 36.7; Comments: None.}

Sponsor: REP. CHASE HIBBARD, HD 54, HELENA

Proponents:

Pat Melby, Montana Ski Areas Association
Terry Ablin, Montana Ski Areas Association
Kevin Taylor, Great Divide Ski Area
Peter Pitcher, Discovery Ski Area
Tim Prather, Red Lodge Ski Area
George Willett, Showdown Ski Area
Ken Hoovestol, Montana Snowmobile Association
SEN. MIKE FOSTER, SD 20, TOWNSEND
SEN. BARRY STANG, SD 36, ST. REGIS
SEN. BOB DEPRATU, SD 40, WHITEFISH

Opponents: None

Sponsor's Opening Statement:

REP. CHASE HIBBARD, HD 54, HELENA states HB 70 exempts recreational leases from the beneficial use property tax. This applies to ski areas. Their use is not "exclusive."

Proponent's Testimony:

Pat Melby, Montana Ski Areas Association says HB 70 reflects an honest difference of opinion between the Ski Areas Association and the Department of Revenue. He supports the bill.

Terry Ablin, Montana Ski Areas Association, Bridger Bowl Ski Area, speaks for himself and for six ski areas that are not in attendance today. They agree with the proposal and urge support of the bill.

Kevin Taylor, Great Divide Ski Area states the land on which his ski area is situated is used by many types of recreationalists. The tax would impose a significant financial burden; he urges support of the bill.

Peter Pitcher, Discovery Ski Area goes on record in support of the bill. He states this is a matter of fairness.